

Assembly Bill No. 2418

Passed the Assembly May 4, 2000

Chief Clerk of the Assembly

Passed the Senate June 15, 2000

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2000, at _____ o'clock ____M.

Private Secretary of the Governor



CHAPTER _____

An act to amend Section 204 of, and to add Section 231.5 to, the Code of Civil Procedure, relating to jurors.

LEGISLATIVE COUNSEL'S DIGEST

AB 2418, Migden. Jurors: eligibility.

Existing law specifies that no eligible person shall be exempt from service as a trial juror by reason of occupation, race, color, religion, sex, national origin, or economic status.

This bill would add sexual orientation to the list of bases for which no eligible person shall be exempt from service as a trial juror.

Existing law provides for the exclusion of prospective jurors from a trial jury by peremptory challenge or challenge for cause.

This bill would specify that no party may use a peremptory challenge to remove a prospective juror on the basis of an assumption that the prospective juror is biased merely because of his or her race, color, religion, sex, national origin, sexual orientation, or similar grounds.

The bill also would set forth the findings and intent of the Legislature in this regard.

The people of the State of California do enact as follows:

SECTION 1. (a) the Legislature finds and declares all of the following:

(1) When any cognizable segment of the community is excluded from jury service, the effect is to remove from the jury room qualities of human nature and varieties of human experience.

(2) Restricting jury service to only special groups or excluding identifiable segments playing major roles in the community cannot be squared with the constitutional concept of jury trial.

(3) Lesbians and gay men represent such a cognizable segment of the community, sharing a common



perspective based upon their membership in that community.

(4) Lesbians and gay men share the common perspective of having spent their lives in a sexual minority, either exposed to, or fearful of, persecution and discrimination.

(5) That perspective deserves representation in the jury venire, and people who share that perspective deserve to bear their share of the burdens and benefits of citizenship, including jury service.

(b) It is the intent of the Legislature to codify the decision in *People v. Garcia* (2000) _____Cal.App.4th _____.

SEC. 2. Section 204 of the Code of Civil Procedure is amended to read:

204. (a) No eligible person shall be exempt from service as a trial juror by reason of occupation, race, color, religion, sex, national origin, economic status, or sexual orientation, or for any other reason. No person shall be excused from service as a trial juror except as specified in subdivision (b).

(b) An eligible person may be excused from jury service only for undue hardship, upon themselves or upon the public, as defined by the Judicial Council.

SEC. 3. Section 231.5 is added to the Code of Civil Procedure, to read:

231.5. A party may not use a peremptory challenge to remove a prospective juror on the basis of an assumption that the prospective juror is biased merely because of his or her race, color, religion, sex, national origin, sexual orientation, or similar grounds.



Approved _____, 2000

Governor

